

PROSKAUER ROSE LLP
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Attorneys for Defendants The United States Chess Federation,
 Joel Channing, William Goichberg, Bill Hall, Randall Hough,
 Randy Bauer and Jim Berry

**UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK**

	x	
:	:	
SAM SLOAN,	Plaintiff,	Civil Action No. 07-CV-8537 (DC)
vs.	:	
HOAINHAN "PAUL" TRUONG, ZSUZSANNA "SUSAN" POLGAR, JOEL CHANNING, WILLIAM GOICHBERG, THE UNITED STATES CHESS FEDERATION, BILL HALL, HERBERT RODNEY VAUGHN, GREGORY ALEXANDER, FRANK NIRO, GRANT PERKS, WILLIAM BROCK, RANDALL HOUGH, RANDY BAUER, JIM BERRY, TEXAS TECH UNIVERSITY and UNITED STATES OF AMERICA	<u>AFFIDAVIT OF JEREMY M. BROWN, ESQ. IN SUPPORT OF DEFENDANTS' BILL OF COSTS</u>	
Defendants.	Document Filed Electronically	
	:	
	x	

JEREMY M. BROWN, being duly sworn, deposes and states:

1. I am senior counsel with the law firm of Proskauer rose LLP, attorneys for defendants The United States Chess Federation, Joel Channing, William Goichberg, Bill Hall, Randall Hough, Randy Bauer, Paul and Jim Berry (hereinafter "Defendants"), in this action and,

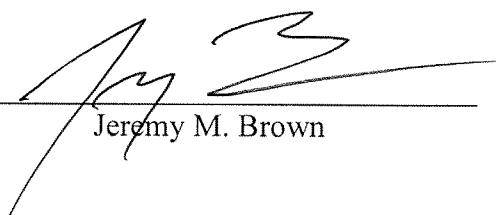
as such, have personal knowledge of the facts set forth herein. I submit this Affidavit in support of Defendants' Bill of Costs.

2. Attached hereto as Exhibit A is a true and correct copy of a check made payable to "Orange County Clerk" in the amount of \$5.00 and a certified copy of a deed. The \$5.00 was paid by Defendants to obtain a certified copy of a deed which confirmed the residence of defendant William Goichberg and was attached as Exhibit A to the Goichberg Affidavit filed in support of Defendants' Motion to Dismiss. In accordance with Local Civil Rule 54.1(c)(5), the exhibit was not available and the copy of the certified deed was used or received in evidence.

3. Attached hereto as Exhibit B is a true and correct copy of the Judgment granting Defendants' motion to dismiss the complaint with prejudice and with costs, filed by the Clerk of the Court on August 29, 2008.

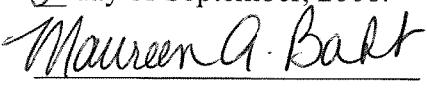
4. The costs claimed by Defendants in their Bill of Costs are: (a) allowable by law under Local Civil Rule 54.1(c)(5); (b) correctly stated as evidenced by the copies of the check and Judgment attached hereto as Exhibits A and B; and (c) actually and necessarily incurred in the above-captioned case.

I declare under penalty of perjury that the foregoing is true and correct.



Jeremy M. Brown

Sworn to before me this
5th day of September, 2008.



Maureen A. Babb

Notary Public

MAUREEN A. BABB
A Notary Public of New Jersey
I.D. NO. 2088380
My Commission Expires May 3, 2009

RECORDED

PROSKAUER ROSE LLP
ATTORNEY BUSINESS ACCOUNT

A. NEW YORK LIMITED LIABILITY PARTNERSHIP
ONE NEWARK CTR
NEWARK, NJ 07102-5211

7540

55-33212-NJ
88864

DATE

2/6/08

PAY
TO THE
ORDER OF

ORANGE COUNTY CLERK

\$ 5.00

Five and 00/100

DOLLARS

Bank of America

ACH/B/T 021200339

FOR 741697-001

10007540110212003391000415401628910

Mark H. Elliott

MH

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

PRINT OR TYPE: BLACK INK ONLY

ANTHONY NUNZIATO
 TO
 WILLIAM GOICHBERG

Horizon Abstract Corp.
 740-0-5715

SECTION 3 BLOCK 1 LOT 9RECORD AND RETURN TO:
 (Name and Address)ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
 RECORDED INSTRUMENT ONLY.DAVID B GILBERT ESO
 453 ROUTE 211 EAST
 MIDDLETON NY 10940

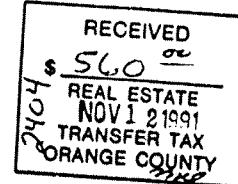
DO NOT WRITE BELOW THIS LINE

CONTROL NO. 60737 DATE 11/6/91 AFFIDAVIT FILED 19
 INSTRUMENT TYPE: DEED X MORTGAGE SATISFACTION ASSIGNMENT OTHER

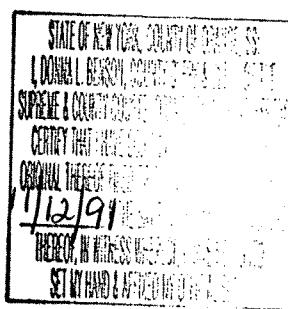
BG20 Blooming Grove	<u>X</u>	SERIAL NO. _____		
CH22 Chester	_____	Mortgage Amount \$ _____	CHECK <u>X</u> CASH <u></u> CHARGE <u></u>	
CO24 Cornwall	_____	Exempt Yes <u> </u> No <u> </u>	MORTGAGE TAX \$ _____	
CR26 Crawford	_____	3-6 Cooking Units Yes <u> </u> No <u> </u>	TRANSFER TAX \$ <u>560.00</u>	
DP28 Deerpark	_____	Received Tax on above Mortgage		
GO30 Goshen	_____	Basic \$ _____	ED. FUND \$ <u>5.00</u>	
GR32 Greenville	_____	MTA \$ _____	RECORD. FEE \$ <u>17.00</u>	
HA34 Hamptonburgh	_____	Spec. Add. \$ _____	REPORT FORMS \$ <u>30.00</u>	
HI36 Highlands	_____	TOTAL \$ _____	CERT. COPIES \$ _____	
MK38 Minisink	_____	MARION S. MURPHY Orange County Clerk		
ME40 Monroe	_____	by: <u>Horizon</u>		
MY42 Montgomery	_____			
MH44 Mount Hope	_____			
NT46 Newburgh (T)	_____			
NW48 New Windsor	_____			
TU50 Tuxedo	_____			
WL62 Wallkill	_____			
WK84 Warwick	_____			
WA86 Wawayanda	_____			
WO88 Woodbury	_____			
MN09 Middletown	_____			
NC11 Newburgh	_____			
PJ13 Port Jervis	_____			
9999 Hold	_____			

ORANGE COUNTY CLERK'S OFFICE S.S.
 Recorded on NOV 1 2 1991
 at 2:50 O'Clock P.M.
 In Liber/Film 3519 Deeds
 at page 315 and examined.

Marian S. Murphy
 County Clerk

LIBER 3519 PAGE 315COUNTY OF
 ORANGE, NEW YORK

Donna L. Benson
 COUNTY CLERK & CLERK OF
 THE SUPREME & COUNTY COURTS

DATED 2/7/08

ORG 11/12/91 02:50:01 48194 47.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 60737 560.00 *
 ***** SERIAL NUMBER: 002404 *****

Form 8097 10/1/74M - Bargain and Sale Deed with Covenant Against Graffiti's Act - Ind. or Corp.
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 6th day of November, nineteen hundred and ninety one
BETWEEN ANTHONY NUNZIATO, residing at 86 Harbor Circle, Freehold,
New Jersey 07728

party of the first part, and

WILLIAM GOICHBERG, residing at 450 Prospect Avenue, Mount
Vernon, NY 10553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

TEN

dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or suc-
cessors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying
and being in the Town of Blooming Grove, Salisbury Mills, Orange County,
New York, bounded and described as follows:

BEGINNING at a stake in the center of a stone wall on line of lands
now or formerly Oscar M. Bates, and in the northerly right of way line
of State Highway Route 45 (now designated as Route 94) and point
being 13.20 feet distant southwesterly from a nail and cap in a 30"
hickory tree and runs thence (1) South 88 degrees 57' East along
said right of way line 67.54 feet to a stake; thence (2) South
74 degrees 09' East still along said right of way line 176.00 feet
to the center of 1 24" wild cherry tree on line of lands now or
formerly of Helene Tylor, said point being 1.20 feet distant
measured southeasterly from a concret right of wat marker; thence
(3) North 9 degrees 50' East along the line of a wire fence on
line of said Holeno Tylor 190.80 feet to a stake; said stake
being 3.17 feet distant measured southeasterly from a nail and cap
in a 40" wild cherry tree; thence (4) North 73 degrees 35' West
along a wire fence still on line of Tylor 230.50 feet to a stake
in the center of a stone wall on line of lands of said Oscar M.
Bates said point being 4.95 feet distant measured northeasterly
from a nail and cap in a 10" elm tree; thence (5) South 13
degrees 20' West along a stone wall on line of lands of Bates 209.50
feet to the point of BEGINNING.

Said lands further described in a survey by Daniel J. O'Brien,
dated 10/23/91, in Schedule A attached hereto,

BEING and intending to be the same premises conveyed by deed
from Teresa Nue to Anthony Nunziato dated 8/28/85 and recorded in
the Orange County Clerk's Office on 2/3/88 in Liber 2882 page
134.

DETH
SECTION:
BLOCK:
LOT:

SCHEDULE A

All that certain lot, piece, or parcel of land situate, lying and being in the Town of Blooming Grove, County of Orange, State of New York and being more accurately bounded and described as follows:

Beginning at a point in a stonewall in the northerly line of New York State Route # 94, said point being 3.00 feet from an iron pipe found on line; thence from the said point or place of beginning and following along the northerly line of said route # 94, South 88 degrees 57 minutes 67.54 feet to a point; thence along the same, South 74 degrees 09 minutes 00 seconds East a distance of 176.00 feet to a point, said point being South 74-09-00 East 4.7 feet from a concrete highway monument found; thence along the lands of Normana, North 09 degrees 50 minutes 00 seconds East a distance of 190.80 feet to a point near a 44 inch wild cherry tree; thence along the same and passing thru old fence post found on line, North 73 degrees 35 minutes 00 seconds West a distance of 230.50 feet to a point in the center of a stonewall; thence along the stonewall and the line of lands of Schrader, South 13 degrees 20 minutes 00 seconds West a distance of 209.50 feet to the point or place of beginning and containing 1.04 acres of land, more or less as surveyed by Daniel J. O'Brien, P.L.S. in October 1991.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premise herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Anthony Monziato
ANTHONY MONZIATO

STATE OF NEW YORK, COUNTY OF ORANGE
On the 6th day of November 1991, before me personally came

Anthony Nunziato
to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Douglas
Notary public

DAVID J. RUFFO
Notary Public, State of New York
No. 4547129
Qualified in Orange County
Term Expires Feb 13, 19

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the

In and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF
On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

say that he is the

In and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

ANTHONY NUNZIATO

SECTION 3
BLOCK 1
LOT 9

X X X X X TOWN of Blooming Grove

TO
WILLIAM GOTTLIBERG

Recorded At Request of American Title Insurance Company
RETURN BY MAIL TO:

DAVID B GILBERT ESQ
453 ROUTE 211 E
MIDDLETOWN NY 10940

Zip No.



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3519 PAGE 319

Exhibit B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
SAM SLOAN,

Plaintiff,

-against-

HOAINHAN "PAUL" TRUONG, et.al,
Defendants.

-----X

07 CIVIL 8537 (DC)

JUDGMENT

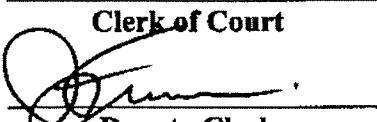
Defendants having moved for a dismissal of the complaint pursuant to F. R. Civ. P. 12(b)(1) (2) & (6), and the matter having come before the Honorable Denny Chin, United States District Judge, and the Court, on August 28, 2008, having rendered its Memorandum Decision granting defendant's motion for dismissal of the complaint with prejudice and with costs, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Memorandum Decision, dated August 28, 2008, defendant's motion for dismissal of the complaint is granted with prejudice and costs, and the case is closed.

Dated: New York, New York
August 29, 2008

J. MICHAEL McMAHON

BY:


Clerk of Court
Deputy Clerk

THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____